



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brent Alan Elliott Elliott et al.

Art Unit: 2832

Serial No.: 10/736,059

Examiner: Mai, Anh T.

Filed: March 9, 2004

**GAPPED CORE STRUCTURE
FOR MAGNETIC
COMPONENTS**

PETITION TO CORRECT FILING DATE OF FILED APPLICATION

Office of Patent Legal Administrator
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Via Facsimile Transmission

Applicant respectfully petitions to accord the Filing Date of December 15, 2003, in accordance with 37 C.F.R. 1.57(a).

Applicant respectfully states that the above referenced application claims priority to the provisional application filed on December 19, 2002 serial number 60/435,414. Per 37 CFR 1.57(a) ".... the claim under §1.55 or §1.75 shall also be considered an incorporation by reference of the prior filed application as to the inadvertently omitted portion of the specification or drawings."

Therefore Applicants respectfully request the nonprovisional application (10/736,059) be corrected to set forth the correct filing date of December 15, 2003. The provisional application contained informal drawings thereby under 37 C.F.R. 1.57(a) making this application complete.

Applicant also attaches the Express Mail Post Office to Addressee mailing label number EV 331420261 US dated December 15, 2003, Exhibit A. The return receipt post card indicates a filing date of December 15, 2003, Exhibit B.

The Notice of Incomplete Nonprovisional Application "Notice" dated September 28, 2004 indicates the application was deposited without drawings. However, the Notice, not

12/15/2005 MBIZUNES 00000043 012384 10736059
01 FC:1464 130.00 DA

Adjustment date: 03/26/2007 AKELLEY 00000006 012384 10736059
12/15/2005 MBIZUNES 00000043 012384 10736059
01 FC:1464 130.00 CR

03/26/2007 AKELLEY 00000006 012384 10736059
01 FC:1462 400.00 DA

executed, is dated nine (9) months after the initial filing. Applicant did not receive said Notice until March 30, 2005, via facsimile transmission from the Office of Initial Patent Examination. Applicant could not timely respond to said Notice as neither Applicant nor their agent received said Notice.

Applicants also state that on March 9, 2004, formal drawings were submitted to the Commissioner's Office.

Applicant request that the Commissioner issue a new, Corrected Filing Receipt for Non-Provisional according the filing date of December 15, 2003.

A \$130.00 Petition Fee (37 C.F.R. 1.17(h)) is submitted herewith. Please charge Deposit Account 01-2384 in the amount of \$130.00. If the fee required for this petition is different from the amount specifically authorized, please consider this as an authorization to charge the necessary fee to the Deposit Account. Applicant however does not believe that such a fee is required as this error is the error on the part of the United States Patent and Trademark Office. However, this petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a fee.

RESPECTFULLY SUBMITTED



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